

WEST SHORE HOME, LLC and WEST
SHORE HOME HOLDINGS, LLC

Plaintiffs,

v.

CRAIG CHAPPELL,

Defendant.

IN THE COURT OF COMMON PLEAS OF
CUMBERLAND COUNTY,
PENNSYLVANIA

Civ. No. 2022-00533

ORDER OF COURT

AND NOW, this ____ day of _____, 2022, it is hereby ORDERED
that a hearing on Plaintiffs West Shore Home, LLC and West Shore Home Holdings, LLC's
Motion for Hearing on their Motion for Special/Preliminary Injunction is scheduled for the
____ day of _____, 2022, at _____ before _____.

BY THE COURT:

J.

EXHIBIT A4

Distribution List:

Thomas G. Collins, Esq., Buchanan Ingersoll & Rooney, PC, 409 N. Second Street, Suite 500, Harrisburg, PA 17101

Counsel for Plaintiffs, West Shore Home, LLC and West Shore Home Holdings, LLC

Sara E. Myirski, Esq., Buchanan Ingersoll & Rooney, PC, 409 N. Second Street, Suite 500, Harrisburg, PA 17101

Counsel for Plaintiff, West Shore Home, LLC and West Shore Home Holdings, LLC

Cheri A. Sparacino, Esq., Buchanan Ingersoll & Rooney, PC, 409 N. Second Street, Suite 500, Harrisburg, PA 17101

Counsel for Plaintiff, West Shore Home, LLC and West Shore Home Holdings, LLC

Larry A. Weisberg, Esq., Weisberg Cummings, PC, 2704 Commerce Drive B, Harrisburg PA 17110

Counsel for Defendant, Craig Chappell

BUCHANAN INGERSOLL & ROONEY PC

Thomas G. Collins (I.D. #75896)

Sara E. Myirski (I.D. #321113)

Cheri A. Sparacino (I.D. #325868)

409 North Second Street, Suite 500

Harrisburg, PA 17101

Tel: (717) 237-4800

thomas.collins@bipc.com

sara.myirski@bipc.com

cheri.sparacino@bipc.com

Counsel for Plaintiffs

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**PLAINTIFFS' MOTION FOR HEARING ON
MOTION FOR SPECIAL/PRELIMINARY INJUNCTION**

Plaintiffs, West Shore Home, LLC (“West Shore Home”) and West Shore Home Holdings, LLC (“WSH Holdings”, collectively with West Shore Home, “WSH” or “Plaintiffs”), by and through their undersigned counsel, Buchanan Ingersoll & Rooney PC, file this Motion for Hearing on their Motion for a Special Injunction with Notice and a Preliminary Injunction After a Hearing, stating as follows:

1. Defendant Craig Chappell (“Chappell” or “Defendant”) breached and continues to breach his contractual obligations to WSH by accepting and becoming employed by WSH’s direct competitors, P.J. Fitzpatrick, LLC (“P.J. Fitzpatrick”), Window Nation, LLC (“Window Nation”),

Love Your Bath, LLC (“Love Your Bath”), Paramount Builders, Inc. (“Paramount Builders”), Newpro, and Florida Home Improvement Associates, Inc. (“FHIA”).

2. To protect its business, goodwill and confidential information, on January 20, 2022, WSH filed its Verified Complaint, asserting claims for breach of contract and misappropriation of trade secrets under state and federal law.

3. By its Verified Complaint and its Motion for Preliminary Injunction, filed on January 20, 2022, WSH seeks relief in the form of an order:

- (a) Prohibiting Defendant from directly or indirectly working in any capacity for P.J. Fitzpatrick, Window Nation, Love Your Bath, Paramount Builders, Newpro, FHIA, or any other competitor of West Shore within 250 miles of any of WSH’s locations, for a period of twenty-four (24) months from his most recent work for any competitor of West Shore;
- (b) Prohibiting Defendant from directly or indirectly inducing, soliciting, or attempting to induce or solicit any employee of West Shore to terminate his or her relationship with West Shore or hiring or engaging any such employee, for a period of twenty-four (24) months from the most recent solicitation of a West Shore employee;
- (c) Prohibiting Defendant from using or disclosing any confidential information obtained through his employment with West Shore, for a period of three (3) years from the most recent disclosure of West Shore’s confidential information;
- (d) Compelling Defendant to return to West Shore any and all Confidential Information and Trade Secrets and documents relating to West Shore’s business and operations, including any and all electronically stored data;
- (e) Awarding compensatory damages, to the extent calculable, compensating WSH for Defendant’s breach of the Employment Agreement and Phantom Unit Agreement; and
- (f) Awarding exemplary damages in an amount equal to two times the amount of damages awarded in (d) for Defendant’s willful and malicious misappropriation of WSH’s Confidential Information and Trade Secrets;
- (g) Awarding reasonable attorneys’ fees, costs, and expenses; and
- (h) Awarding such other monetary and equitable relief as is just and proper.

4. For the sake of clarity, WSH has requested that this Honorable Court issue a Special Injunction in the first instance, granting WSH’s requested relief without a hearing. By this Motion,


WSH requests pursuant to Rule 1531(d) of the Pennsylvania Rules of Civil Procedure that this Honorable Court schedule a hearing within five days of the issuance of the Special Injunction, or within such other time as the parties may agree or as the Court upon cause shown shall direct.

5. Pursuant to Cumberland County Local Rule 208.3(a)(2), Plaintiffs state that no judge has ruled upon any other issue in the same or related matter.

6. Pursuant to Cumberland County Local Rule 208.3(a)(9), the undersigned certifies that due to the emergent nature of this claim, including the request for preliminary injunctive relief, he was not able to contact counsel for Defendant to seek his concurrence. This Motion is therefore considered contested.

WHEREFORE, Plaintiffs West Shore Home, LLC and West Shore Home Holdings, LLC request that the Court set a hearing date on their Motion for Preliminary Injunction within five days of the issuance of a Special Injunction or as soon as practicable and convenient to the Court.

Respectfully submitted,

By: 
Thomas G. Collins (I.D. #75896)
Sara E. Myirski (I.D. #321113)
Cheri A. Sparacino (I.D. #325868)
BUCHANAN INGERSOLL & ROONEY PC
409 North Second Street, Suite 500
Harrisburg, PA 17101
Tel: (717) 237-4800
thomas.collins@bipc.com
sara.myirski@bipc.com
cheri.sparacino@bipc.com

Counsel for Plaintiffs

Dated: January 20, 2022

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: West Shore Home, LLC and
West Shore Home Holdings, LLC

Signature: Thomas G. Collins

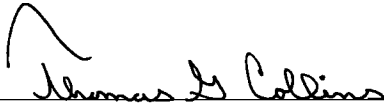
Name: Thomas G. Collins

Attorney No.: 75896

CERTIFICATE OF SERVICE

I hereby certify that I am this 20th day of January 2022 serving a copy of the foregoing document upon the following person(s) by the following methods that comply with the Pennsylvania Rules of Civil Procedure.

Larry A. Weisberg, Esq.
Weisberg Cummings, PC
2704 Commerce Drive B
Harrisburg PA 17110
Counsel for Defendant
lweisberg@weisbergcummings.com



Thomas G. Collins
Counsel for Plaintiffs